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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the matter of )  
 )  
Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
Lockport, N.Y. )  
 )

MM Docket No.: \_\_\_\_\_

RM- \_\_\_\_\_

To: Chief, Allocations Branch

DOCKET FILE COPY ORIGINAL

PETITION FOR RULEMAKING

Culver Communications Corp. ("Culver"), pursuant to Section 1.401 of the Commission's Rules, respectfully requests the Commission to institute a rulemaking proceeding to assign FM Channel 221A (92.1 MHz.) to Lockport, New York as that community's first local FM service.

Community	Channel No.	
	<u>Present</u>	<u>Proposed</u>
Lockport, NY	-----	221A

As will be described in the attached Engineering Statement prepared by Mr. Robert A. Lynch, Culver's consulting engineer, Channel 221A can be assigned to Lockport, NY without site restriction at the community's reference coordinates of N 43° 10' 12", W 78° 41' 54". However, this proposed

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allotment is predicated upon special negotiated short-spacing with Canada to resolve short-spacings with regard to the licensed co-channel facilities of CKPC-FM, Brantford, ON (Ch. 221C1); and also the designated Canadian FM allotments at St. Catharines, ON (Ch. 219C1) and Peterborough, ON (Ch. 220B); as well as to the Proposed Rule Makings at Oshawa, ON (Ch. 222B) and Toronto, ON (Ch. 223B). As will be discussed in the attached engineering, appropriate protection of all the above designated facilities or proposals, except that of CKPC-FM, can be accomplished with the proposed Ch. 221A Lockport facility operating non-directionally with 6 kilowatts at 100 meters above average terrain, the maximum power and antenna height allowed for domestic Class A FM facilities. With regard to the protected contour of CKPC-FM over Canadian land area, this petition proposes signal directionalization away from that contour so as to prevent prohibited overlap. From the reference coordinates proposed, Culver maintains that a reduced ERP of 0.16 kilowatts at 100 meters AAT (or its equivalent) would provide CKPC-FM appropriate protection. However, Culver states its willingness to accept alternate levels of protection should such levels result from U.S./Canadian negotiations. Culver is further prepared to accept the obligation of pattern directionalization in any eventual construction permit application which may result from this proceeding.

Culver Communications Corp., petitioner in this proceeding, is the licensee of AM broadcast station WLVL, Lockport, NY. WLVL(AM) is currently the only aural broadcast facility, AM or

FM, licensed to Lockport. As WLVL's licensee, Culver Communications Corp. possesses a direct and immediate understanding of Lockport's needs and how its citizens would benefit from the addition of an FM broadcast facility. Specifically, Culver asserts that the assignment of Ch. 221A to Lockport, NY would benefit the public interest for the following reasons:

1. Lockport, NY is an incorporated city, so recognized by the U.S. Census. The 1990 Census listed the city's population at 24,426;
2. The city of Lockport maintains its own municipal government and range of public services. The U.S. Postal Service maintains a Post Office in Lockport (zip code: 14094;)
3. The citizens of Lockport currently have no locally-originated outlet for FM programming. Instead, they must rely on FM stations licensed to Buffalo, Niagara Falls or other more distant communities, none of which shoulder an obligation to provide news, public service, or community information programming directly tailored to the needs of the city's citizens;
4. Should Culver Communications Corp. eventually become the proposed FM station's licensee, the existence of this additional broadcast outlet would allow Culver to diversify its programming on WLVL(AM), target each station to somewhat different segments of the overall community, and thereby provide greatly enhanced service to the community of license and its citizens.

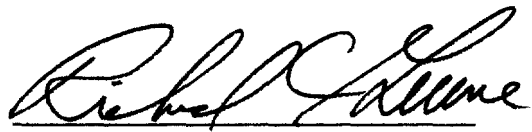
Culver Communications Corp. hereby states that it is a legal corporation authorized to do business in New York State and duly qualified to seek and operate a commercial broadcast station under the rules and regulations of the Federal Communications Commission (as evidenced by its existing license for WLVL.)

Should the Commission allot Channel 221A to Lockport, New York, this petitioner, Culver Communications Corp., hereby states its intention to file a construction permit application for said allotment; and should it become the successful applicant, subsequently construct, license and operate the station to serve the public interest.

Respectfully submitted,

Date: \_\_\_\_\_

11/1/96



Richard C. Greene  
President  
Culver Communications Corp.

Attached: Engineering Study  
Robert A. Lynch  
Independent Broadcast  
Consultants, Inc.  
Trumansburg, NY



INDEPENDENT BROADCAST CONSULTANTS, INC.

110 COUNTY RD. 146,  
TRUMANSBURG, N.Y. 14886-9721  
(807) 273-2970

ENGINEERING STATEMENT

in support of

CULVER COMMUNICATIONS CORP.

Rule Making Petition  
Proposed New Commercial FM Broadcast Station  
Channel 221A (92.1 MHz.)  
Lockport, New York

October 1996

Village of Trumansburg)

Tompkins County ) SS.

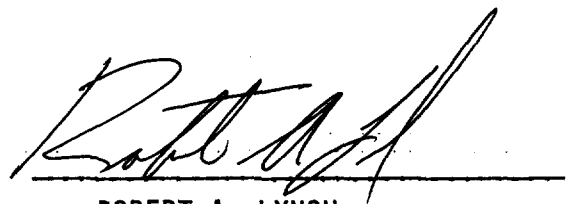
State of New York )

Robert A. Lynch, being duly sworn upon his oath, deposes and states that:

He is an employee and a consultant with the firm Independent Broadcast Consultants, Inc., with offices at 110 County Road 146, Trumansburg, New York 14886-9721.

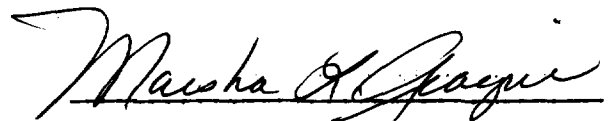
His qualifications are a matter of record with the Federal Communications Commission, having filed numerous technical reports with them in the past and having participated in other technical projects and applications which have been accepted for filing and subsequently were granted construction permits.

That facts contained in this report subscribed by him are true of his own personal knowledge, except those stated on information and belief, and those facts he verily believes to be true.



ROBERT A. LYNCH

Subscribed and sworn before me this 24 day of October, 1996



NOTARY PUBLIC

MARSHA L. GEORGIA  
Notary Public, State of New York  
No. 4791735  
Qualified in Tompkins County  
Commission Expires Sept. 30, 1997

CULVER COMMUNICATIONS CORP.

Rule Making Petition  
Proposed New Commercial FM Station  
Ch. 221A (92.1 MHz.)  
Lockport, New York

ENGINEERING STATEMENT

This statement and its supporting exhibits has been prepared on behalf of Culver Communications Corp. ("Culver") to accompany its Rule Making Petition to establish a new, commercial FM broadcast allocation on Channel 221A (92.1 MHz.) at Lockport, New York as that community's first local FM service. This petition proposes Ch. 221A at Lockport be authorized a maximum effective radiated power of six kilowatts at an antenna height above average terrain of 100 meters at non-restricted azimuths. It is proposed that ERP and/or antenna height be restricted at certain westerly azimuths to protect the licensed contour of co-channel Canadian broadcast station CKPC-FM, Brantford, Ontario.

This petition proposes reference coordinates for this allocation at N 43° 10' 12", W 78° 41' 54", the reference coordinates for Lockport, NY. No site restriction for this allocation is proposed. At the coordinates cited above, Ch. 221A at Lockport would be fully-spaced to all domestic facilities and proposals on co-channel, adjacent channel or I.F.-related channel frequencies. However, at these coordinates, Ch. 221A at Lockport would be short-spaced to the co-channel facilities of CKPC-FM, Brantford; and also short-spaced to five adjacent-channel Canadian FM allocations or rule making proposals. Accordingly, special negotiated short-spacing with Canada is respectfully requested.

As will be demonstrated by the attached engineering exhibits, the proposed Ch. 221A at Lockport, NY can be authorized at its reference coordinates and cause no interference to any adjacent channel Canadian facility, allocation or proposal with Ch. 221A at Lockport operating with full ERP and antenna height of 6 kW. at 100 meters. However, to protect the licensed contour of CKPC-FM, Brantford, ON (and its associated proposed rule making for Ch. 221C1 as listed on the Commission's database), the undersigned has determined that ERP would need to be reduced to 0.16 kilowatts (-8.0 dBk) while maintaining antenna height at 100 meters. Culver remains open to accept alternative levels of reduced power and/or antenna height as might result from U.S./Canadian negotiation. Culver proposes that ERP or antenna HAAT be restricted only at azimuths toward CKPC-FM's protected contour, thereby enabling Culver to utilize a directional antenna to provide full-facility service in non-restricted directions.

FIGURE 1 is a full-size U.S.G.S. 7½-min. topo map portion showing the proposed Ch. 221A allocation point, a distance scale in kilometers and miles, and map coordinates properly noted. As shown, this allocation point is situated within the city of Lockport, New York; and as such, it may reasonably be expected that FM broadcast antennas located at or near this point will provide the entire community of Lockport, NY an acceptable 70dBu / 3.16 mv/m city-grade signal, even with the directionalization necessary to protect CKPC-FM.

FIGURE 2, Pages 1&2 is an FM Spacing Study for Ch. 221A at Lockport, NY, utilizing the allocation coordinates referenced above. Data used in the preparation of this study was drawn from the FCC's database of June 13, 1996 and supplemented by a commercial FM database dated June 14, 1996. Additional information regarding the operational status of CKPC-FM was retrieved from Canadian DOC files on August 27, 1996 and has been incorporated in this study. As shown, the allotment of Ch. 221A to Lockport, NY would meet all domestic spacing requirements to affected channels. Regarding notified Canadian facilities, allocations or proposals, this study utilizes § 73.207(b)(2) spacing rules and classifies Ch. 221A as Class B1 in accordance with Commission rules and international agreements governing full-facility 6 kW/100m AAT Class A proposals. Under those standards, seven (7) short-spacings result. They are:

1:	ALLOCATION	St. Catherines, ON	Ch. 219C1	<u>Short:</u> 61.1 km.
2:	ALLOCATION	Peterborough, ON	Ch. 220B	<u>Short:</u> 19.8 km.
3:	PROPOSED RULE MAKING (designated for CKPC-FM)	Brantford, ON	Ch. 221C1	<u>Short:</u> 124.7 km
4:	CKPC-FM	Brantford, ON	Ch. 221C1	<u>Short:</u> 124.7 km.
5:	PROPOSED RULE MAKING	Oshawa, ON	Ch. 222B	<u>Short:</u> 46.9 km.
6:	PROPOSED RULE MAKING	Toronto, ON	Ch. 223B	<u>Short:</u> 7.38 km.
7:	PROPOSED RULE MAKING	Toronto, ON	Ch. 223B	<u>Short:</u> 7.20 km.

From the above listing, it's apparent that the Proposed Rule Making on Ch. 221C1 for Brantford, ON is, itself, no longer relevant, since its co-located facility, CKPC-FM, formerly Class B, has subsequent to the database's record date upgraded to the Class C1 facility that the rule making proposed. (Canadian DOC records provided confirmation of CKPC-FM's upgrade.) Secondly, the two proposed rule making designations for Ch. 223B at Toronto are clearly mutually-exclusive. For the purpose of this analysis, only the first of those two, that closer to the Prop. Ch. 221A at Lockport, will be considered.



FIGURE 3 provides a portion of a Canadian Dept. of Transport 1:1,000,000 scale Provisional Ground Conductivity Map (conductivity data removed) which serves as the Canada/U.S. Contour Protection Study for proposed Ch. 221A at Lockport. Represented on this map are the proposed reference coordinates for Ch. 221A at Lockport, as well as the associated F(50,10) interfering contours toward short-spaced Canadian facilities or proposals. Also shown are the reference coordinates and protected 54dBu [F(50,50)] contours of the short-spaced Canadian facilities or proposals previously referenced. For the allocations or proposed rule makings at St. Catherines, Peterborough, Oshawa and Toronto, uniform terrain is assumed, and contours are calculated without regard to antenna directionality (should any be required.) All contours for the proposed Ch. 221A at Lockport are based on uniform terrain. Proposed 94 dBu (third-adjacent channel protection), 74 dBu (second-adjacent channel protection), and 48 dBu (first-adjacent channel protection) contours are computed at full-facility 6 kW/100m AAT status. The proposed 34 dBu contour required to protect CKPC-FM, Brantford, was computed at a reduced ERP of 0.16 kW at 100 meters AAT.

Based on the analysis provided in Figure 3, it may be observed that the Proposed Ch. 221A at Lockport operating at full facility 6 kW/100m AAT status would impose no prohibited interference to the allocated or proposed FM facilities at St. Catherines, Peterborough, Oshawa or Toronto over Canadian land area. Furthermore, at reduced power of 0.16 kW at 100 meters AAT, full protection would also be provided the protected 54 dBu contour of CKPC-FM operating at its licensed Class C1 facilities of 50 kW, non-directional, at 230 meters AAT. Accordingly, given the restrictions stated above, Culver respectfully requests Ch. 221A at Lockport be authorized as a special negotiated short spaced allotment.

FIGURE 4 provides a tabulation of specifications and calculated contours for the Proposed Ch. 221A allocation at Lockport.

FIGURE 5, Pages 1&2 provides contour tabulation data for the various short-spaced Canadian facilities or proposals at St. Catherines, Peterborough, Brantford, Oshawa and Toronto.

FIGURE 6 provides site, antenna HAAT and contour data for the licensed CKPC-FM, Brantford, ON operating with 50 kW at 230 meters AAT on Ch. 221C1. Data in this tabulation was accessed from Canadian DOC engineering records provided by a respected Canadian consulting engineer with which this firm subcontracted. This contour data was utilized to determine the protection requirements to CKPC-FM depicted in Figure 3.

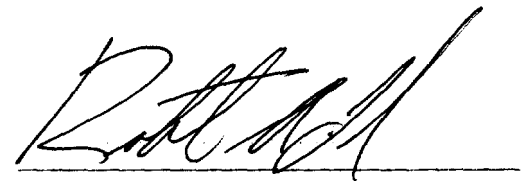
An inspection of U.S.G.S. topo maps in the region in and surrounding Lockport, NY indicates numerous areas in which vacant land may be available for construction of the proposed Ch. 221A antenna site. These areas lie close enough to the proposed allocation coordinates so that this potential applicant and others may design antenna facilities which comply with the representations made in this report.

By this filing, Culver Communications Corp. states its intention to seek application for Ch. 221A at Lockport, and subsequently construct and license said facility should this proposed allotment be authorized and should Culver become the successful applicant.

CONCLUSION:

Based on the foregoing discussion and attached exhibits, the undersigned has concluded that Ch. 221A (92.1 MHz.) can be allotted to Lockport, New York, without site restriction, provided that special negotiated short-spacing is established to address this proposal's separation to the licensed CKPC-FM, Brantford, ON; the established Canadian allotments on Ch. 219C1 at St. Catherines, ON and on Ch. 220B at Peterborough, ON; and the Rule Making Proposals for Ch. 222B at Oshawa, ON and Ch. 223B at Toronto, ON. In all other respects, this proposed allotment stands in Compliance with the Rules.

October 24, 1996

A handwritten signature in black ink, appearing to read 'Robert A. Lynch', written over a horizontal line.

Robert A. Lynch  
Consulting Engineer

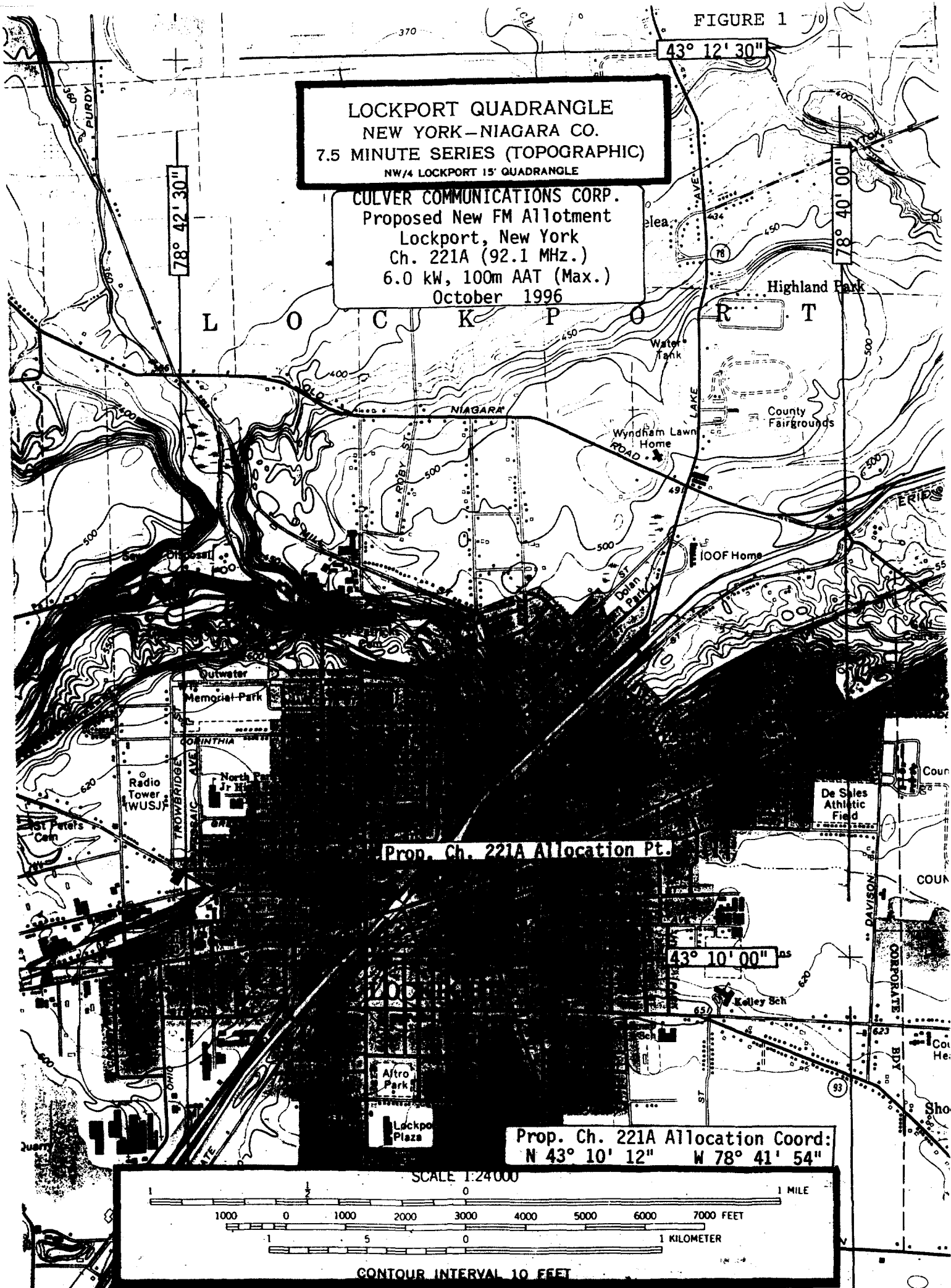
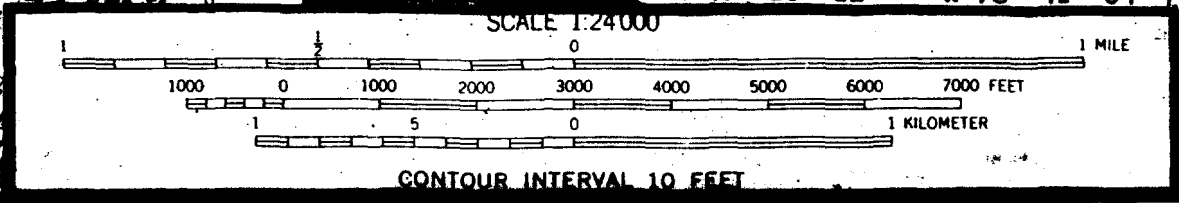
FIGURE 1

LOCKPORT QUADRANGLE  
NEW YORK-NIAGARA CO.  
7.5 MINUTE SERIES (TOPOGRAPHIC)  
NW/4 LOCKPORT 15' QUADRANGLE

CULVER COMMUNICATIONS CORP.  
Proposed New FM Allotment  
Lockport, New York  
Ch. 221A (92.1 MHz.)  
6.0 kW, 100m AAT (Max.)  
October 1996

Prop. Ch. 221A Allocation Pt.

Prop. Ch. 221A Allocation Coord:  
N 43° 10' 12" W 78° 41' 54"



INDEPENDENT BROADCAST CONSULTANTS, INC.  
TRUMANSBURG, NEW YORK

FM Spacing Study

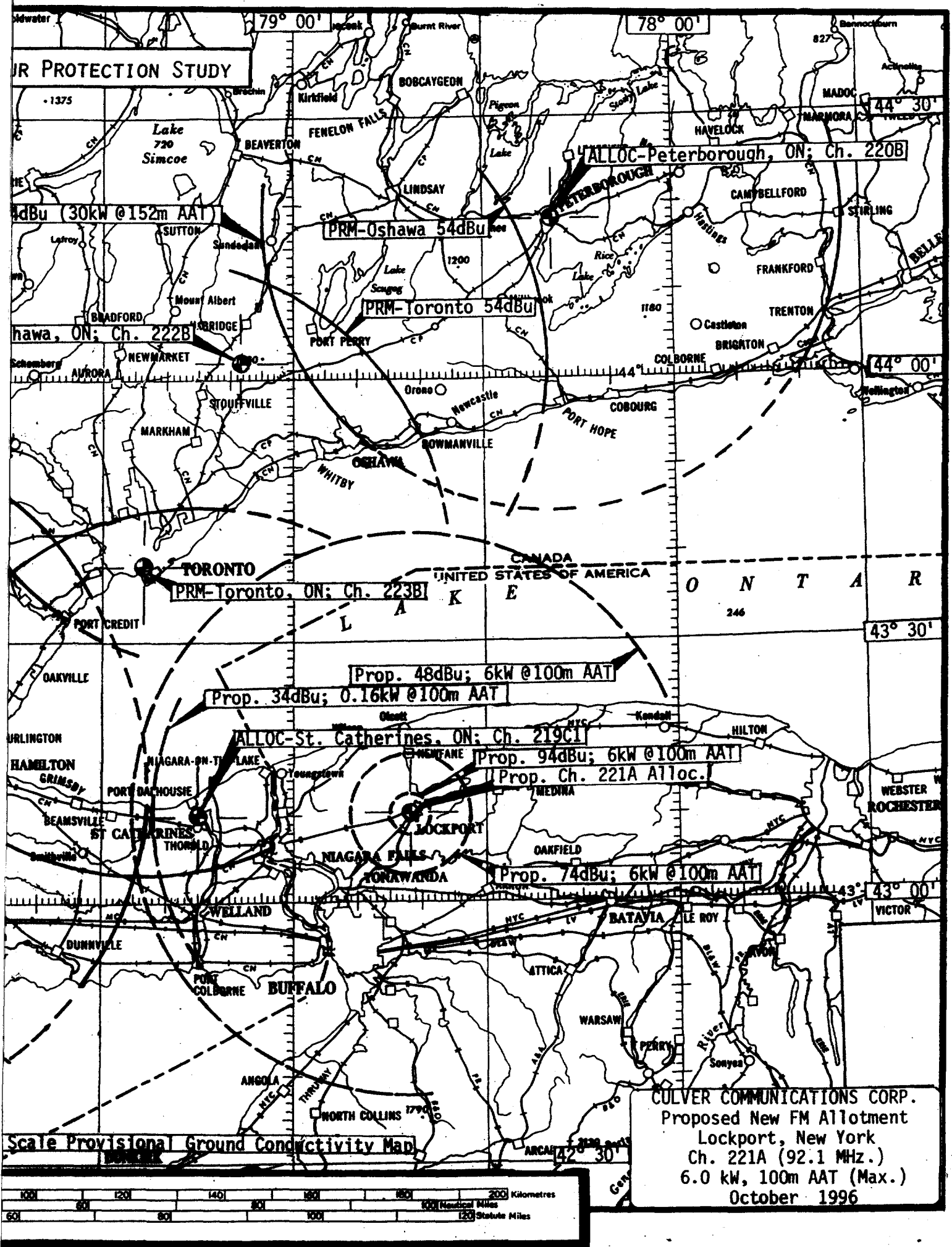
Title: NEW - Lockport, NY  
Channel: 221A (92.1 MHz.)  
Database: FCC 06/13/96; DW 06/14/96

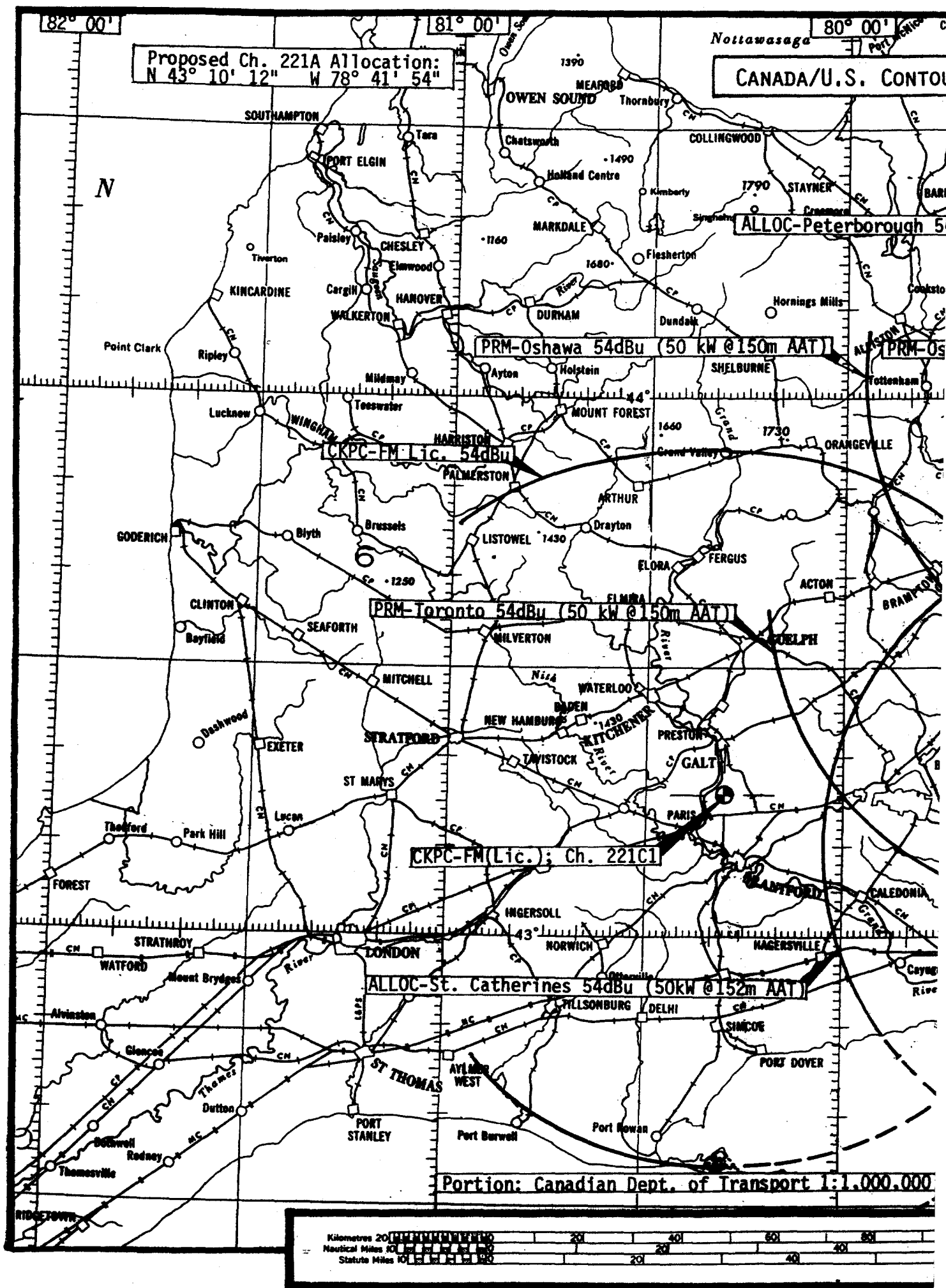
Latitude: 43-10-12  
Longitude: 78-41-54

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Bear.	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	(to)	(km)	(km)
WXXI-FM LIC	ROCHESTER	AREA ED TV AS	*218B	45.0	43-08-07	92.1	90.7	69
ROCHESTER	NY	BLD-801231AN	91.5	134	77-35-03		21.7	CLEAR
Air date: 12/74; Affiliated with WXXI(AM)								
ALLOC			*218B		44-32-55	336.7	167.3	71
ORILLIA	ON		91.5		79-32-05		96.3	CLEAR
Record date: 12/17/92; LIMITED TO 20 kW @ 152 meters								
ALLOC			*219C1		43-10-00	269.7	44.9	106
ST CATHERINES	ON		91.7		79-15-00		61.1	SHORT
Record date: 10/04/92; LIMITED TO 50 kW @ 152 meters								
PROPOSED RULE MAKING			*220D	.008	43-05-05	253.1	32.4	
NIAGARA FALLS	ON		91.9	157	79-04-46			
Record date: 10/04/92								
ALLOC			*220B		44-18-00	13.6	129.2	149
PETERBOROUGH	ON		91.9		78-19-00		19.8	SHORT
Record date: 10/04/92; LIMITED TO 30 kW @ 152 meters								
WCKR LIC	CHANNICK	BROADCASTING CO	221A	1.25	42-20-38	136.0	127.0	115
HORNELL	NY	BLH-851028KG	92.1	156	77-37-36		11.96	CLEAR
ALLOC			221B1		43-10-47	88.9	191.9	143
BALDWINVILLE	NY	DOC 87-198	92.1		76-20-20		48.9	CLEAR
WSEN-FM LIC	BUCKLEY	BROADCASTING COR	221B1	25.0	43-10-46	88.9	191.9	143
BALDWINVILLE	NY	BLH-880615KB	92.1	91	76-20-19		48.9	CLEAR
PROPOSED RULE MAKING			221C1		43-15-49	275.1	131.3	256
BRANTFORD	ON		92.1		80-18-32		124.7	SHORT
CKPC-FM LIC	TELEPHONE CITY	BDCST LTD	221C1	50.0	43-15-49	275.1	131.3	256
BRANTFORD	ON		92.1	230	80-18-32		124.7	SHORT
ALLOC			221B		45-21-00	336.8	264.6	223
PARRY SOUND	ON		92.1		80-02-00		41.6	CLEAR
Record date: 10/04/92								
WRRN LIC	KINZUA	BROADCASTING COMP	222B	50.0	41-48-50	194.5	155.5	113
WARREN	PA	BLH-820127AE	92.3	125	79-10-04		42.5	CLEAR
PROPOSED RULE MAKING			222B		44-01-54	339.9	102.1	149
OSHAWA	ON		92.3		79-08-13		46.9	SHORT
Record date: 10/04/92								



FIGURE 3





## SUMMARY OF TERRAIN & CONTOUR CALCULATIONS

In

## CANADA/U.S. CONTOUR PROTECTION STUDY

### PROPOSED NEW FM ALLOTMENT

Channel 221A

Lockport, New York

PROPOSED ALLOCATION REFERENCE COORDINATES: N 43° 10' 12"

N 43° 10' 12"

W 78° 41' 54"

PROPOSED MAXIMUM FACILITIES:  
(at permitted azimuths)

Channel 221A (92.1 MHz.)

6.00 kW (+7.78 dBk)

100 meters (328') Above Average Terrain

RESTRICTED FACILITIES:

0.16 kW (-8.00 dBk) @ 100 meters AAT  
toward the protected contour of  
CKPC-FM, Ch. 221C1, Brantford, ON

Site-to-Site Azimuth: 275°T

**TERRAIN DATA FOR PROPOSED ALLOCATION:**

### Uniform Terrain Assumed

### CONTOUR CALCULATIONS FOR ALLOCATION STUDY:

I. Maximum Facilities  
(6 kW @ 100m AAT):

- |  |                                       |
|--|---------------------------------------|
| 1) <u>94 dBu</u> [F(50,10) Curves]:<br>(to protect any third-adjacent 54dBu contour) | 4.0 kilometers (2.5 miles)<br>=====   |
| 2) <u>74 dBu</u> [F(50,10) Curves]<br>(to protect any second-adjacent 54dBu contour) | 12.9 kilometers (8.0 miles)<br>=====  |
| 3) <u>48 dBu</u> [F(50,10) Curves]<br>(to protect any first-adjacent 54dBu contour)  | 59.1 kilometers (36.7 miles)<br>===== |

## II. Restricted Facilities (0.16 kW @ 100m AAT):

- 1) 34 dBu [F(50,10) Curves] 54.7 kilometers (34.0 miles)  
(to protect the co-channel  
54dBu contour of CKPC-FM) =====



SUMMARY OF TERRAIN & CONTOUR CALCULATIONSInCANADA/U.S. CONTOUR PROTECTION STUDYCANADIAN SHORT-SPACED ASSIGNMENTS, ALLOTMENTS & PROPOSALSI ALLOCATION

Channel 219C1 (91.7 MHz.)  
St. Catharines, ON

ERP: 50 kW. (as per limitation)  
HAAT: 152 meters (as per limitation)

TERRAIN: Uniform terrain assumed at all bearings

PROTECTED 54dBu CONTOUR [F(50,50) Curves]: 65.0 km. (40.4 mi.)  
=====

II. ALLOCATION

Channel 220B (91.9 MHz.)  
Peterborough, ON

ERP: 30 kW. (as per limitation)  
HAAT: 152 meters (as per limitation)

TERRAIN: Uniform terrain assumed at all bearings

PROTECTED 54dBu CONTOUR [F(50,50) Curves]: 61.2 km. (38.0 mi.)  
=====

III. PROPOSED RULE MAKING

Channel 221C1 (92.1 MHz.)  
Brantford, ON

(See Data for CKPC-FM Licensed Facilities listed below)

IV. CKPC-FM (Licensed Facilities)

Channel 221C1 (92.1 MHz.)  
Brantford, ON

ERP: 50 kW, NDA  
HAAT: 230 meters

TERRAIN: Calculated from information on file in Canadian DOC Database)

PROTECTED 54dBu CONTOURS: See attached tabulation of contours at standard  
8 bearings as access from DOC Records.

(cont.)

SUMMARY OF TERRAIN & CONTOUR CALCULATIONSInCANADA/U.S. CONTOUR PROTECTION STUDYCANADIAN SHORT-SPACED ASSIGNMENTS, ALLOTMENTS & PROPOSALS

(cont.)

V. PROPOSED RULE MAKINGChannel 222B (92.3 MHz.)

Oshawa, ON

ERP: 50 kW. (assumed maximum facilities)HAAT: 150 meters (assumed maximum facilities)TERRAIN: Uniform terrain assumed at all bearingsPROTECTED 54dBu CONTOUR [F(50,50) Curves]: 65.0 km. (40.4 mi.)  
=====VI. PROPOSED RULE MAKINGChannel 223B (92.5 MHz.)

Toronto, ON

[Given the close proximity of two set of site coordinates for this PRM as listed in the FCC Database (Record date of 10/04/92), only the proposed site closer to this proposed allocation, that at coordinates N 43-38-33, W 79-23-15, is shown]

ERP: 50 kW. (assumed maximum facilities)HAAT: 150 meters (assumed maximum facilities)TERRAIN: Uniform terrain assumed at all bearingsPROTECTED 54dBu CONTOUR [F(50,50) Curves]: 65.0 km. (40.4 mi.)  
=====

PREDICTED SERVICE CONTOURS

Radio Station CKPC-FM  
Brantford, ON

CHANNEL: 221 (92.1 MHz.)

CLASS: C1

FACILITIES:

ERP: 50 kW (Horizontal & Vertical); Non-Directional

HAAT: 230 meters

COORDINATES: N 43° 15' 49"  
W 80° 18' 32"

STATUS: OPERATING

SOURCE: Canadian DOC Database

RECORD DATE: 02/08/95 (Accessed 08/27/96)

<u>BEARING</u> (°T)	<u>RADIATION CTR. HAAT</u> (meters)	<u>DISTANCE TO CONTOUR</u> (kilometers)	
		3 mv/m	0.5 mv/m
0°T	203.0	37.5	70.5
45°T	231.0	39.5	72.5
90°T	260.0	41.0	75.0
135°T	275.0	42.0	77.0
180°T	262.0	41.5	75.5
225°T	240.0	40.0	73.5
270°T	195.0	37.0	70.0
315°T	178.0	35.0	68.0

LIMITATIONS

(As listed in the Canadian Allotment Plan)

- 1) Limited to 80 kW. and 270 meters HAAT towards Ch. 222B, Warren, PA
- 2) Limited to 100 kW. and 189 meters HAAT towards Ch. 221A, Bad Axe, MI.